

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

NICK WILLIAM SCHALLER,

Plaintiff,

v.

JOANN COOK and THERESA SCOTT,

Defendants.

MEMORANDUM

07-cv-575-bbc

Plaintiff is proceeding in this case on his claims that defendant Scott interfered with his ability to obtain prescribed medication and that defendant Cook interfered with his outgoing mail at the New Lisbon Correctional Institutional. Dispositive motions are due to be filed no later than June 9, 2008, and trial is scheduled for October 27, 2008, assuming the case is not resolved on dispositive motions. Now plaintiff has submitted five subpoenas forms that appear to have been printed for use in state court, on which he has inserted the names of separate individuals he appears to want to question at an unspecified place on an unspecified date. In addition, plaintiff has submitted a small envelope marked "Evidence against Ms. Joann Cook," in which he has placed scraps of other envelopes bearing date stamps and postage that has been marked with exhibit numbers. I am returning the

subpoena forms and plaintiff's "evidence" to him with a copy of this memorandum.

The court is not a repository for evidence. Plaintiff should keep his evidence in his own possession until he is required to submit it, either in connection with a motion for summary judgment if such a motion is filed, or at trial. As for the subpoena forms, it is too soon for plaintiff to be subpoenaing witnesses for trial. In many instances, cases such as plaintiff's are resolved on a motion for summary judgment. If this case survives such a motion, plaintiff may renew his request for witness subpoenas, but he will have to conform his request to this court's "Witness Procedures," a copy of which was sent to him with the magistrate judge's preliminary pretrial conference order dated March 10, 2008.

Entered this 10th day of April, 2008.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge